

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

***DEFENDANT CORY HUTCHESON'S MOTION FOR LEAVE
TO FILE MOTION TO DETERMINE SUFFICIENCY OF
PLAINTIFF'S RESPONSES TO MISSISSIPPI COUNTY
DEFENDANTS AND DEFENDANT CORY HUTCHESON'S JOINT
FIRST REQUESTS FOR ADMISSION AND MOTION TO COMPEL
INTERROGATORY ANSWERS WITH EXHIBITS UNDER SEAL***

COME NOW, Cory Hutcheson (“Defendant Hutcheson”), and for his Motion for Leave to File Motion to Determine Sufficiency and Motion to Determine the Sufficiency of Plaintiff’s Responses to Mississippi County Defendants and Defendant Cory Hutcheson’s Joint First Requests for Admission and Motion to Compel Interrogatory Answers with Exhibits Under Seal, state:

1. Plaintiff, Mississippi County Defendants, and Defendant Hutcheson have encountered discovery disputes which are ripe for this Court's determination.

2. Defendant Hucheson wishes to file a Motion to determine the sufficiency of Plaintiff's responses to requests for admission and to compel Plaintiff to respond to interrogatories, along with a supporting memorandum and exhibits so this Court may resolve the disputes.
3. Plaintiff, Mississippi County Defendants, and Defendants Huthceson have discussed the method of filing on April 14, 2021, after the conclusion of the settlement hearing (in person).
4. Plaintiff and Defendant Hucheson further discussed the same on April 20, 2021, at approximately 2:37 p.m. to 2:49 p.m., and from approximately 3:03 p.m. to 3:48 p.m., whereupon filing the Motion to Compel briefing and exhibits under seal was agreed.
5. Discovery motions and accompanying exhibits are not considered judicial records, and thus are subject to a "good cause" standard to determine whether the material should be sealed. *Laughlin v. Stuart*, No. 19-cv-2547 (ECT/TNL), 2021 U.S. Dist. LEXIS 69356, at *5–8 (D. Minn. Apr. 9, 2021) (internal citations omitted).
6. The subject motion pertains to the discovery of information regarding the decedent, Tory Sanders, whereupon sealing of the filings would protect the parties from annoyance, embarrassment, and oppression (as more fully identified in the motion and memorandum, to be filed with permission of the Court).

WHEREFORE, Defendant Hucheson respectfully request that this Court grant leave such that the parties may file briefing and accompanying exhibits/discovery materials pertaining to the determination of the sufficiency of Plaintiff's responses to requests for admission and regarding whether Plaintiff should be compelled to respond to interrogatories, and for such further relief this Court deems just and proper.

/s/ Robert T. Plunkert

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I hereby certify that a copy of the foregoing filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following or U.S. mail for parties not registered with CM/ECF, on this 29th day of April, 2021:

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